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CLEARY, GOTTLIB, STEEN & HAMILTON

1752 N STREET, N. W.
WASHINGTON, D. C. 20036

(202) 728-2700

MEMORANDUM

To:

Jeffrey Hirschberg, Esq.
John L. Martin, Esq.
Thomas S. Martin, Esq.
Elizabeth R. Rindskopf, Esq.
John H. Shenefield, Esq.
Mr. Carl Stern
General Lawrence Williams

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From: Daniel B. Silver

Date: May 10, 1988

Re: Draft Leak Legislation

As agreed at our last meeting, a subcommittee consisting of Elizabeth Rindskopf and myself considered the application of the draft bill to signals intelligence and came up with a revision, embodied in section 805, that includes all aspects of signals intelligence except for communications intelligence (which already is covered by 18 U.S.C. section 798). Also since our last meeting, the Fourth Circuit issued its decision upholding the Morison conviction.

In light of these developments it seems appropriate to reach a final disposition regarding the draft statute. For this purposes, I have taken the liberty of revising Tom Martin's 1986 draft report. A copy of that revision is enclosed. It embodies the statutory change mentioned above, updates the history of Morison, and expresses some additional reasons which, in my view, make new legislation desirable despite the government's outstanding victory in Morison.

Enclosure

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